

### **REMARKS/ARGUMENTS**

Applicant has carefully reviewed and considered the Office Action mailed on March 22, 2005, and the references cited therewith.

Claim 1 is amended, no claims are canceled, and no claims are added; as a result, claims 1-37 are pending in this application.

#### **§102 Rejection of the Claims**

Claims 13-17, 23-27, and 32-36 were rejected under 35 USC §102(e) as being anticipated by Lee, et al. (U.S. Patent No. 6,629,787).

Applicant does not admit that the Lee, et al. reference is prior art and reserves the right to swear behind the same at a later date.

In the office action dated March 22, 2005, the Examiner cited Figs. 3-5 of the Lee, et al. reference as describing sensing a media type. The Lee, et al. reference appears to describe a head gap detecting sensor that measures a distance between a printing medium and the print head. The measured distance is then sent to a controller for processing. (See Lee, et al. col. 5, lines 8-15).

The Lee et al. reference does not describe a sensor which senses a media type, as described in Applicant's independent claims 13, 24, and 32.

In contrast, Applicant's independent claim 13 recites, besides other things:

a sensor which senses a media type

In addition, Applicant's independent claim 24 recites, besides other things:

sensing a media type;

And, Applicant's independent claim 32 recites, besides other things:

means for sensing a media type;

As stated above, the head gap sensor in the Lee, et al. reference describes a head gap detecting sensor that measures a distance between a printing medium and the print head. Accordingly, the Applicant respectfully submits that the Lee, et al. reference does not include each and every element and limitation of independent claims 13, 24, and 32. As such, Applicant respectfully requests

reconsideration and withdrawal of the §102 rejections for these independent claims, as well as those claims which depend therefrom.

§103 Rejection of the Claims

Claims 1-3, 13, 17-18, 24, and 28 were rejected under 35 USC §103(a) as being unpatentable over Nozawa (U.S. Patent No. 6,273,536) in view of Ahne, et al. (U.S. Patent No. 6,406,110).

Applicant has amended independent claim 1 to further illustrate the patentable features of claim 1, and not in view of any cited prior art. Applicant's independent claims 1 and 13 similarly recite, besides other things:

a sensor for sensing the media type (claim 1)

and

a sensor which senses a media type (claim 13)

In the office action, the Examiner cited the Nozawa and Ahne, et al. references as teaching all the elements of Applicant's independent claims 1 and 13. From a review of the Nozawa reference, Applicant was unable to locate a teaching of a sensor for sensing media type. Nozawa appears to teach depositing ink and a processing fluid on print media based upon a head to paper gap that is adjustable, among other things (See Abstract, and Col. 5, lines 26-54 of the Nozawa reference).

Additionally, the Ahne, et al. reference fails to cure the deficiencies of the Nozawa reference. That is, the Ahne, et al. reference does not appear to teach a sensor for sensing media type. The Ahne, et al. reference appears to teach a print medium sensor which sends a signal to a print controller about thickness of the print medium. (See Col. 6, lines 56-61).

Accordingly, the Applicant respectfully submits that the Nozawa and Ahne, et al. references, alone or in combination, do not teach or suggest each and every element and limitation of independent claims 1 and 13. As such, Applicant respectfully requests reconsideration and withdrawal of the §103 rejections for this independent claim, as well as those claims which depend therefrom.

Applicant's independent claim 24 recites, besides other things:

sensing a media type

For the reasons provided above, Applicant respectfully submits that the Nozawa and Ahne, et al. references either alone or in combination do not teach or suggest sensing a media type. As such, Applicant respectfully requests reconsideration and withdrawal of the §103 rejections for this independent claim, as well as those claims which depend therefrom.

Claims 4, 9-12, 14-16, 23, 25-27, and 32-37 were rejected under 35 USC §103(a) as being unpatentable over Nozawa (U.S. Patent No. 6,273,536) in view of Ahne, et al. (U.S. Patent No. 6,406,110), and further in view of Lee, et al. (6,629,787). Since claims 4, 9-12 depend from allowable claim 1, claims 14-16, and 23 depend from allowable claim 13, claims 25-27 depend from allowable claim 24, and claims 32-37 depend from allowable claim 32, Applicant respectfully submits that claims 4, 9-12, 14-16, 23, 25-27, and 32-37 are deemed allowable. As such, Applicant respectfully requests reconsideration and withdrawal of the §103 rejection of claims 4, 9-12, 14-16, 23, 25-27, and 32-37.

Allowable Subject Matter

Claims 5-8, 19-22, and 29-31 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for allowable claims 5-8, 19-22, and 29-31.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Gregg W. Wisdom at (360) 212-8052 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AMENDMENT Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 21<sup>st</sup> day of June, 2005.

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